

April 28 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Office of Disciplinary Counsel

FILED

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

BEFORE THE COMMISSION ON PRACTICE OF THE
SUPREME COURT OF THE STATE OF MONTANA

IN THE MATTER OF ARTHUR ROY)	Supreme Court Cause No. PR 09-0212
TADEWALDT,)	ODC File No. 09-080
An Attorney at Law,)	COMPLAINT
Respondent.)	

For its complaint, the Office of Disciplinary Counsel for the State of Montana ("ODC"),
alleges:

1. Arthur Roy Tadewaldt, hereinafter referred to as Respondent, was admitted to the
practice of law in the State of Montana in 1976, at which time he took the oath required for
admission, wherein he agreed to abide by the Rules of Professional Conduct, the Disciplinary
Rules adopted by the Supreme Court, and the highest standards of honesty, justice and morality,
including but not limited to, those outlined in parts 3 and 4 of Chapter 61, Title 37, Montana
Code Annotated.

1 2. The Montana Supreme Court has approved and adopted the Montana Rules of
2 Professional Conduct ("MRPC"), governing the ethical conduct of attorneys licensed to practice
3 in the State of Montana, which Rules were in effect at all times mentioned in this Complaint.

4 3. Respondent was charged by Amended Information filed October 15, 2008 in *State*
5 *v. Tadewaldt*, Montana Eighth Judicial District Court, Cascade County, Cause No. CDC-08-
6 172(d), with Assault with a Weapon in violation of § 45-5-213(1)(a), MCA, a felony (Count I),
7 Tampering with a Witness in violation of § 45-7-06, MCA, a felony (Count II), and False
8 Reports to Law Enforcement in violation of § 45-7-205(1)(b), MCA, a misdemeanor (Count III).

9 4. A trial by jury was held in February 2009 and Respondent was found guilty of all
10 counts.

11 5. On March 19, 2009, Respondent was sentenced to fourteen (14) years to Montana
12 State Prison for Assault with a Weapon, one (1) year to Montana State Prison for Tampering
13 with a Witness, and six (6) months in the Cascade County Detention Center for False Reports to
14 Law Enforcement. All sentences to run consecutively.

15 6. By Order dated April 22, 2009, the Montana Supreme Court, pursuant to Rule
16 23B, RLDE (2002), determined that the criminal offenses of which Respondent has been
17 convicted affect the Respondent's ability to practice law, suspended Respondent pending
18 disposition of disciplinary proceedings and directed ODC to file a complaint against Respondent
19 predicated upon his criminal convictions.

20 7. Pursuant to Rule 23C, RLDE (2002), the sole issue to be determined in the formal
21 disciplinary proceedings herein "shall be the extent of the final discipline to be imposed."
22

23 WHEREFORE, the Office of Disciplinary Counsel prays as follows:
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1. That a Citation be issued to the Respondent, to which shall be attached a copy of the complaint, requiring Respondent, within twenty (20) days after service thereof, to file a written answer to the complaint;

2. That a formal hearing be had on the allegations of this complaint before an Adjudicatory Panel of the Commission on the sole issue of the extent of the final discipline to be imposed upon the Respondent; provided, however, that the matter not be brought to hearing until all appeals from the conviction are concluded unless the Respondent requests that the matter not be deferred pursuant to Rule 23C, RLDE (2002);

3. That the Adjudicatory Panel of the Commission make a report of its findings and recommendation after a formal hearing to the Montana Supreme Court as to the nature and extent of appropriate discipline, and,

4. For such other and further relief is deemed necessary and proper.

DATED this 27th day of April, 2009.

Shaun R. Thompson
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Disciplinary Counsel

1 Shaun R. Thompson
2 Disciplinary Counsel
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4 Helena, Montana 59624-1009
5 (406) 442-1648

6 Office of Disciplinary Counsel

7 BEFORE THE COMMISSION ON PRACTICE OF THE
8 SUPREME COURT OF THE STATE OF MONTANA

9 * * * * *

10 IN THE MATTER OF ARTHUR ROY

11 TADEWALDT,

12 An Attorney at Law,

13 Respondent.

) Supreme Court Cause No. PR09-0212

) ODC File No. 09-080

)

) **CITATION TO APPEAR IN ANSWER TO**
) **COMPLAINT OF THE OFFICE OF**
) **DISCIPLINARY COUNSEL**

)

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16 TO: Arthur Roy Tadewaldt, Respondent, Greetings:

17 YOU ARE HEREBY NOTIFIED that the Office of Disciplinary Counsel for the State of
18 Montana has filed with the Supreme Court of the State of Montana its Formal Complaint against
19 you pursuant to Rule 12 of the Rules for Lawyer Disciplinary Enforcement (2002), a copy of
20 which Complaint is attached hereto.

21 YOU ARE HEREBY COMMANDED to make and file with the Clerk of this Court your
22 written answer to said Complaint within twenty (20) days from and after service upon you of this
23 Citation and a copy of said Complaint as provided by Rule 18, RLDE (2002).

24 Any procedural motions, for example, a Motion for Extension of Time within which to
25 Answer the Complaint, filed by you or by your Counsel prior to the filing of the Findings,

1 Conclusions, and Recommendations of the Commission on Practice, shall be addressed to and
2 filed with Shauna Ryan, Commission on Practice, P.O. Box 203002, Helena, MT 59620-3002,
3 and served upon the Office of Disciplinary Counsel, P.O. Box 1099, Helena, MT 59624-1099,
4 as provided by Rule 18, RLDE (2002).

5 In the event of your failure to file an answer within the time prescribed, you will be held
6 and deemed in default as provided by Rule 12B(2), RLDE (2002).

7 WITNESS my hand and seal of this Court this _____ day of April, 2009.

8
9
10 (COURT SEAL)

ED SMITH,
Clerk of the Supreme Court
Of the State of Montana